

EXHIBIT F

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 IN RE: HIGH-TECH EMPLOYEE ANTITRUST
5 LITIGATION

6 THIS DOCUMENT RELATES TO: NO: Master Docket No.
7 11-CV-2509-LHK

8 ALL ACTIONS.

9
10 CONFIDENTIAL - ATTORNEYS' EYES ONLY

11
12
13 VIDEOTAPED DEPOSITION OF DANIEL ROBERT MCKELL
14 March 20, 2013
15 10:06 a.m.
16 Hyatt Regency Hotel
17 330 Tijeras, Northwest
18 Albuquerque, New Mexico

19 PURSUANT TO THE FEDERAL RULES OF CIVIL
20 PROCEDURE, this deposition was:

21 TAKEN BY: MR. SARAH R. SCHALMAN-BERGEN
22 Attorney for Plaintiffs

23 REPORTED BY: Mary Abernathy Seal, RDR, CRR, NM CCR 69
24 Bean & Associates, Inc.
25 Professional Court Reporting Service
201 Third Street, Northwest, Suite 1630
Albuquerque, New Mexico 87102

(6941K) MAS

11:03 1 the HR business partner, were you the person that
2 was at the other end of the open door?

3 A. I -- yes.

4 Q. What is Intel University?

11:04 5 A. It's our internal learning group, so that
6 it conducts classes for managers and employees on
7 anything from cultural things to technical training.

8 Q. Does the learning group conduct classes
9 for managers with respect to compensation?

11:04 10 A. Yes.

11 Q. Did you have any job responsibilities as
12 the HR -- as an HR business partner with respect to
13 Intel University dealing with compensation?

14 MR. SHAH: Object to form.

11:04 15 A. As an HR business partner, I supported
16 them -- I wouldn't have done work relative to
17 manager training in that role.

18 Q. When you were an HR business partner, who
19 did you report to?

11:05 20 A. I had several managers.

21 Q. What were their names?

22 A. [REDACTED]. There's one
23 more, but I'm forgetting.

24 Q. Hopefully you'll be able to spell those

11:05 25 for the court reporter. We can do it off the

11:05 1 record.

2 A. [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 Q. When you were an HR business partner, did
11:05 5 you have any direct reports?

6 A. No.

7 Q. As an HR business partner, did you get
8 reviewed as part of the focal process?

9 A. Did I -- did my manager do a performance
11:06 10 review on me?

11 Q. Yes.

12 A. Yes.

13 Q. Are you familiar with the different types
14 of grades that Intel assigns to employees?

11:06 15 A. Yes.

16 Q. What -- and when I say grades, I'm
17 speaking of EE, O.

18 A. Rating?

19 Q. Rating.

11:06 20 A. Okay.

21 Q. What rating did you receive as the HR
22 business partner?

23 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

11:07 1 Q. Can you list all of the different ratings
2 that Intel uses?

3 MR. SHAH: Object to form.

4 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9 Q. How have the ratings changed since you
11:07 10 have joined Intel?

11 A. When I joined, they had three ratings:
12 Outstanding, successful, and improvement required.
13 And then they had three trends, so you would get a
14 rating message and a trend message. The three trend
11:07 15 labels were faster, equal, slower.

16 Q. What distinctions were meant by faster,
17 equal, slower?

18 A. Your growth curve relative to peers doing
19 the same job. So were you growing and improving at
11:08 20 a faster rate, at the same rate, or at a slower rate
21 than your peers.

22 Q. So within the O, S, and E --

23 A. IR.

24 Q. EIR?

11:08 25 A. Outstanding, successful, improvement

11:08 1 required. Sorry.

2 Q. Within O, S, and IR, you could also then
3 have a secondary rating of F, E, or S?

4 A. Yes.

11:08 5 MR. SHAH: Object to form.

6 Q. Would everyone receive an F, E, or S in
7 association with their O, S, and R -- and/or R
8 rating, IR ratings?

9 MR. SHAH: Object to form.

11:09 10 A. Yes.

11 Q. When did Intel change from the three
12 ratings with three trends to the five current
13 ratings?

14 A. I don't recall the specific year.

11:09 15 2004-ish, somewhere around there.

16 Q. Did you have any involvement with respect
17 to making that change?

18 A. In terms of making a recommendation, I
19 don't think so. I may have been asked for my input.

11:09 20 Q. You were the HR business partner from
21 approximately August 1999 to March 2003; is that
22 fair?

23 MR. SHAH: Object to form.

24 A. Yeah, that sounds about right.

11:10 25 Q. Did your job duties change at all

[illegible]

12:02

1

[REDACTED]

2

Q. From business consultant [REDACTED], did

3

you -- strike that. During your focal -- during the

4

time period when you were a business consultant [REDACTED]

5

[REDACTED], what was your rating?

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

Q. During that time period, were you aware of

12:02

10

what the ratings were for your peers?

11

A. No.

12

Q. Were you aware of what percentage of your

13

peers also received a successful?

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

[REDACTED]

21

Q. Have you ever spoken with your peers about

22

what their ratings were?

23

A. No.

24

Q. Never?

12:03

25

A. No. I don't want to know. Better to not

12:03 1 know. It's personal. It's between them and their
2 manager.

3 Q. Have you ever been made aware that
4 employees speak to each other about what their
12:03 5 ratings are?

6 MR. SHAH: Object to form.

7 A. Sure. That's an individual choice.
8 There's nothing that prohibits it. It's just
9 something I'm not personally interested in.

12:04 10 Q. How did you become aware that employees
11 speak to each other about what their ratings are?

12 MR. SHAH: Object to form.

13 A. I don't know that I have witnessed it, but
14 people talk, some people more than others. So I
12:04 15 don't have anything else besides that.

16 Q. At a certain point, were you -- did you
17 receive a promotion [REDACTED]

18 [REDACTED]?

19 MR. SHAH: Object to form.

12:04 20 A. Yes [REDACTED].

21 Q. When was that?

22 A. End of 2006, I think.

23 Q. Prior to being promoted [REDACTED] did
24 you receive any increase in compensation or
12:05 25 promotion [REDACTED]

12:41 1 bonus programs.

2 Q. What are the names and job titles of those
3 four other employees?

4 A. They're all considered compensation --

12:41 5 comp and benefits specialists. [REDACTED]

■

■

■

■

12:42 10 Q. Do you still report to [REDACTED]

11 A. Yes.

12 Q. Is this the first job position where you
13 have had direct reports?

14 A. Yes.

12:42 15 Q. Is part of your job now to provide focal
16 reviews to these direct reports?

17 A. Yes.

18 Q. Have you had an opportunity to do that
19 since you have been in your new job as compensation
12:42 20 manager?

21 A. Yes.

22 Q. When was that?

23 A. This month.

24 Q. What ratings did you give your four

12:42 25 employees, four direct reports?

12:42

1

A.

[REDACTED]

[REDACTED]

[REDACTED]

3

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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10 REPORTER'S CERTIFICATE

11 I, MARY ABERNATHY SEAL, New Mexico CCR
12 #69, DO HEREBY CERTIFY that on March 20, 2013, the
13 Deposition of DANIEL ROBERT McKELL was taken before
me at the request of, and sealed original thereof
retained by:

14 Attorney for the Plaintiffs
15 Ms. Sarah R. Schalman-Bergen
16 BERGER & MONTAGUE, P.C.
17 1622 Locust Street
Philadelphia, Pennsylvania 19103-6365
(215) 875-3000

18 I FURTHER CERTIFY that copies of this
19 Certificate have been mailed or delivered to all
20 Counsel, and parties to the proceedings not
represented by counsel, appearing at the taking of
the Deposition.

21 I FURTHER CERTIFY that examination of this
22 transcript and signature of the witness was required
23 by the witness and all parties present.
24 On _____ a letter was mailed or delivered to Mr.
Sujal J. Shah regarding obtaining signature of the
25 witness, and corrections, if any, were appended to
the original and each copy of the Deposition.

1 I FURTHER CERTIFY that the recoverable
2 cost of the original and one copy of the Deposition,
3 including exhibits, to Mr. Sarah R. Schalman-Bergen
4 is \$_____.

5 I FURTHER CERTIFY that I did administer
6 the oath to the witness herein prior to the taking
7 of this Deposition; that I did thereafter report in
8 stenographic shorthand the questions and answers set
9 forth herein, and the foregoing is a true and
10 correct transcript of the proceeding had upon the
11 taking of this Deposition to the best of my ability.

12 I FURTHER CERTIFY that I am neither
13 employed by nor related to nor contracted with
14 (unless excepted by the rules) any of the parties or
15 attorneys in this case, and that I have no interest
16 whatsoever in the final disposition of this case in
17 any court.

18 _____
19 Mary Abernathy Seal
20 BEAN & ASSOCIATES, INC.
21 NM Certified Court Reporter #69
22 License Expires: 12/31/13

23 (6941K) MAS
24 Date taken: March 20, 2013
25 Proofread by: JB